

House Study Bill 593 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act enhancing the penalties for an assault on a transit
2 driver.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 708.3A, subsections 1, 2, 3, and 4, Code
2 2014, are amended to read as follows:

3 1. A person who commits an assault, as defined in section
4 708.1, against with the intent to inflict serious injury
5 upon a peace officer, jailer, correctional staff, transit
6 driver, member or employee of the board of parole, health
7 care provider, employee of the department of human services,
8 employee of the department of revenue, or fire fighter, whether
9 paid or volunteer, with the knowledge that the person against
10 whom the assault is committed is a peace officer, jailer,
11 correctional staff, transit driver, member or employee of
12 the board of parole, health care provider, employee of the
13 department of human services, employee of the department of
14 revenue, or fire fighter and with the intent to inflict a
15 serious injury upon the peace officer, jailer, correctional
16 staff, member or employee of the board of parole, health
17 care provider, employee of the department of human services,
18 employee of the department of revenue, or fire fighter, is
19 guilty of a class "D" felony.

20 2. A person who commits an assault, as defined in section
21 708.1, and who uses or displays a dangerous weapon in
22 connection with the assault, against a peace officer, jailer,
23 correctional staff, transit driver, member or employee of
24 the board of parole, health care provider, employee of the
25 department of human services, employee of the department of
26 revenue, or fire fighter, whether paid or volunteer, who
27 knows that the person against whom the assault is committed
28 is a peace officer, jailer, correctional staff, transit
29 driver, member or employee of the board of parole, health
30 care provider, employee of the department of human services,
31 employee of the department of revenue, or fire fighter and who
32 uses or displays a dangerous weapon in connection with the
33 assault, is guilty of a class "D" felony.

34 3. A person who commits an assault, as defined in section
35 708.1, and who causes bodily injury or mental illness in

1 connection with the assault, against a peace officer, jailer,
2 correctional staff, transit driver, member or employee of
3 the board of parole, health care provider, employee of the
4 department of human services, employee of the department of
5 revenue, or fire fighter, whether paid or volunteer, who
6 knows that the person against whom the assault is committed
7 is a peace officer, jailer, correctional staff, transit
8 driver, member or employee of the board of parole, health
9 care provider, employee of the department of human services,
10 employee of the department of revenue, or fire fighter, ~~and~~
11 ~~who causes bodily injury or mental illness~~, is guilty of an
12 aggravated misdemeanor.

13 4. Any other assault, as defined in section 708.1, committed
14 against a peace officer, jailer, correctional staff, transit
15 driver, member or employee of the board of parole, health
16 care provider, employee of the department of human services,
17 employee of the department of revenue, or fire fighter, whether
18 paid or volunteer, by a person who knows that the person
19 against whom the assault is committed is a peace officer,
20 jailer, correctional staff, transit driver, member or employee
21 of the board of parole, health care provider, employee of the
22 department of human services, employee of the department of
23 revenue, or fire fighter, is a serious misdemeanor.

24 Sec. 2. Section 708.3A, Code 2014, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 4A. A person who commits an assault under
27 this section against a transit driver is presumed to know that
28 the person against whom the assault is committed is a transit
29 driver if the transit driver is clearly identifiable as engaged
30 in the performance of duties of a transit driver.

31 Sec. 3. Section 708.3A, subsection 5, Code 2014, is amended
32 by adding the following new paragraph:

33 NEW PARAGRAPH. *f.* "*Transit driver*" means a driver of a
34 vehicle operated by a public transit system, as defined in
35 section 324A.1.

1 EXPLANATION

2 The inclusion of this explanation does not constitute agreement with
3 the explanation's substance by the members of the general assembly.

4 This bill enhances the criminal penalty for an assault on
5 a transit driver by adding a transit driver to the list of
6 occupations covered under Code section 708.3A.

7 Under the bill, if a person assaults a transit driver with
8 the intent to inflict serious injury or uses a dangerous
9 weapon in connection with the assault, that person commits a
10 class "D" felony. If a person assaults a transit driver and
11 causes bodily injury or mental illness, that person commits
12 an aggravated misdemeanor and if the person commits any other
13 type of assault against a transit driver, that person commits
14 a serious misdemeanor.

15 The bill defines "transit driver" to mean a driver of a
16 vehicle operated by a public transit system as defined in Code
17 section 324A.1.

18 Similar assaults without the enhanced penalties are
19 punishable as provided in Code section 708.2.

20 A serious misdemeanor is punishable by confinement for no
21 more than one year and a fine of at least \$315 but not more than
22 \$1,875. An aggravated misdemeanor is punishable by confinement
23 for no more than two years and a fine of at least \$625 but
24 not more than \$6,250. A class "D" felony is punishable by
25 confinement for no more than five years and a fine of at least
26 \$750 but not more than \$7,500.